

EX PARTE OR LATE FILED

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9 February 1999

Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Ex Parte Filing  
CC Docket No. 96-115

**RECEIVED**

**FEB - 9 1999**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

Dear Ms. Salas:

On February 8, 1998, the Little Yellow Pages forwarded the attached letter to Chairman Kennard urging the Commission to adopt rules implementing Section 222(e) that will guarantee independent directory publishers access to SLI controlled by the Bell system companies.

Pursuant to the Commission's rules, two (2) copies of this letter are being filed. Please call the undersigned at (202) 429-4730 if you have any questions regarding this filing.

Sincerely, -

*Sophie J. Keefer*

Sophie J. Keefer

No. of Copies rec'd 0+2  
List ABCDE



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FEB - 9 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

February 8, 1999

The Honorable William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: Section 222(e)

Dear Chairman Kennard:

I would like to take this opportunity to relay what I consider to be very important issues in reference to the Communications Act passed by congress in 1996. You will be considering on February 25<sup>th</sup>, an order on Section 222(e), which guarantees independent publishers access to subscriber information "on a timely and unbundled basis" and it is critically important that ongoing decisions in regard to that section are fair and equitable to all parties - not just the TelCo's and local carriers. I am an independent publisher of Yellow Pages and this order impacts my business in the most compelling of ways - the cost to my company, and the production of an accurate directory.

I have been involved in the Yellow Pages an Directory industry for nearly 3 decades. Of that time, I have spent nearly half with various Bell System companies (Bell South, NYNEX, South Western Bell). I was employed with these companies in several positions from Sales consultant to District Manager so I have experience with how the telephone companies operate and function.

During my tenure with the Bell System, I witnessed a strategy that allowed the Teleo Directory Publishers to have a definite and unfair advantage. The advantage lies in their complete control over Service Order Activity (S.O.A.), aka Service Listing Information (SLI), in short - listing control. The control listings impacts the accuracy over the basic information utilized in Yellow pages and Directories. It is critical to my business.

It was, and still is, very easy to charge exorbitant rates of advertisers when the TelCo can easily prove that the competitors information is at least 1 year old and possibly out of date. Please note that in some cases the TelCo's can and do charge as much as 300% higher rates than competitors (Independent Publishers) for the same product. By causing the information to be outdated or incorrect, and then having their representatives tell potential customers the advertising dollar they might spend with an independent will be "wasted" on inaccurate books they control not only their business - but in effect they dominate and control mine too. In what industry is that allowed? Is General Motors the only company allowed to add safety features to their cars in a timely manner? Would Ford and Chrysler allow their product to be so impacted by a competitor with an unfair advantage? I think not.

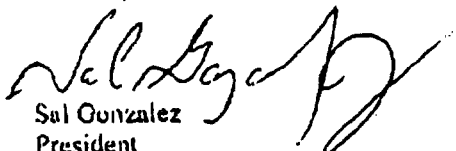
The control of this information also impacts the reason advertisers purchase Yellow Page Advertising - USAGE. If the TelCo's are allowed to control the data then they can impact USAGE and cause immense harm to independent publishers like myself. Those of us who choose to compete with the Telephone Companies believe that competition is the lifeblood of change, and that we can produce a "better mousetrap" than the large TelCo's. However, the control of vital information by the TelCo's doesn't allow us to compete, it fosters monopoly. I have lost large clients because they are controlled by the TelCo's and their fear tactics. In fact, the tactics extend to small companies also. About 3 block up the street from my offices is a CPA who is well known in the community. She and my wife serve on several local executive boards together, but when approached to place a small ad in our book this is what my salesperson was told, "It seems that only the Phone company can really serve my needs, they have all the right information". Its subtle, but the inherent prejudice is there.

In our industry we know that change is constant. In some cases there can be 25-40% change of information, or listings each year. This enormous change is made up new growth, people moving in, moving out, businesses changing or leaving. The TelCo's document have this information accurately documented with SLI/SOA. They must be held responsible to furnish this information, un-bundled and at reasonable rates. Unfair competition is at the heart of the TelCo's desire to keep data from rival publishers.

It has been nearly 3 years since this act was passed, but with out clear and forceful implementation it is impossible to make the TelCo's and local carriers respond to my needs as publisher for accurate data. I don't mind going head-to-head with them, but I cannot do it unarmed. I ask for your consideration in this matter.

Please feel free to call me is you have any questions, (909) 734-0201 Ext 140.

Sincerely,

  
Sal Gonzalez  
President  
The Little Yellow Pages